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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 DIANNE LOGGINS,

12 Plaintiff,

13 vs.

14 COUNTY of SAN DIEGO HEALTH
15 AND HUMAN SERVICES AGENCY;
16 CHILD WELFARE SERVICES; Does
1-50, inclusive,

Defendants.

CASE NO. 13cv2615-WQH-
BLM

ORDER

17 HAYES, Judge:

18 The matter before the Court is the Motion to Dismiss filed by Defendant County
19 of San Diego (“Defendant”). (ECF No. 7).

20 **BACKGROUND**

21 On October 28, 2013, Plaintiff initiated this action by filing a Complaint alleging
22 civil rights violations under 42 U.S.C. § 1983 and civil rights and tort violations under
23 state law. (ECF No. 1). Plaintiff alleges Defendant engaged in “discriminatory
24 practices [when] ... [Defendant] refused to cooperate with [Plaintiff], resulting in
25 unjustifiable disparate treatment. [Plaintiff] was denied equal access and equal treatment
26 because of her race and age.” *Id.* ¶ 7.

27 On December 4, 2013, Defendant filed a Motion to Dismiss the Complaint
28 pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 7). The docket reflects

1 that Plaintiff did not file an opposition.

2 **DISCUSSION**

3 A district court may properly grant an unopposed motion pursuant to a local rule
4 where the local rule permits, but does not require, the granting of a motion for failure
5 to respond. *See Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995). Civil Local Rule 7.1
6 provides: “If an opposing party fails to file the papers in the manner required by Civil
7 Local Rule 7.1.e.2, that failure may constitute a consent to the granting of a motion or
8 other request for ruling by the court.” S.D. Cal. Civ. Local Rule 7.1(f)(3)(c).
9 “Although there is ... a [public] policy favoring disposition on the merits, it is the
10 responsibility of the moving party to move towards that disposition at a reasonable
11 pace, and to refrain from dilatory and evasive tactics.” *In re Eisen*, 31 F.3d 1447, 1454
12 (9th Cir. 1994) (affirming grant of motion to dismiss for failure to prosecute); *see also*
13 *Steel v. City of San Diego*, No. 09cv1743, 2009 WL 3715257, at *1 (S.D. Cal., Nov. 5,
14 2009) (dismissing action pursuant to Local Rule 7.1 for plaintiff’s failure to respond to
15 a motion to dismiss).


16 The docket reflects that Plaintiff was served with the Motion to Dismiss by
17 electronic filing as to Monica L. Montgomery at the Law Offices of Monica L.
18 Montgomery, 121 Broadway, Ste. 553, San Diego, CA 92101. (*See* ECF No. 7-1). The
19 Motion to Dismiss and the Court’s docket reflect that a hearing on the Motion to
20 Dismiss was noticed for February 3, 2014. (*See* ECF No. 7-2). Civil Local Rule 7.1
21 provides: “each party opposing a motion ... must file that opposition ... with the clerk
22 ... not later than fourteen (14) calendar days prior to the noticed hearing.” S.D. Cal.
23 Civ. Local Rule 7.1(e)(2). The docket reflects that Plaintiff has failed to file an
24 opposition to the Motion to Dismiss. The Court concludes that “the public’s interest
25 in expeditious resolution of litigation,” “the court’s need to manage its docket,” and
26 “the risk of prejudice to the defendants” weigh in favor of granting the Motion to
27 Dismiss filed by Defendants for failure to file an opposition. *Ghazali*, 46 F.3d at 53.

28

CONCLUSION

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendant (ECF No. 7) is GRANTED as follows: the Complaint is DISMISSED without prejudice.

DATED: March 18, 2014


WILLIAM Q. HAYES
United States District Judge